

The Highland Licensing Board

Meeting – 9 August 2022

Agenda Item	8.6
Report No	HLB/075/22

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Praban Na Linne Ltd, Eilean Iarmain, Isle of Skye, IV43 8QR

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Praban Na Linne Ltd, Eilean Iarmain, Isle of Skye, IV43 8QR.

1.0 Description of premises

1.1 Praban Na Linne Ltd is a whisky shop located in the same building as the company's head office. It is a small retail outlet in a rural location.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1000 hours to 2200 hours

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

- (1) Amend premises description;
- (2) Amend commencement of on sale hour to 1100 hours (currently 1000 hours);
- (3) Amend children and young persons policy;
- (4) Addition of on sales capacity of 20 persons;

- (5) Increase off sales capacity to 2.94m² (currently 2.64m²);
- (6) Addition of other activities:-
 - (a) Posting / delivering alcohol for orders received online or by phone for private individuals or trade customers;
 - (b) Offer sampling in off-sales;
 - (c) Also provide paid tastings (on-sales);
 - (d) Both sampling and paid tastings will take place in designated on-sales tasting area.

4.0 Background

- 4.1 On 16 June 2022 the Licensing Board received an application for a major variation of a premises licence from Praban Na Linne Ltd.
- 4.2 The application was publicised during the period 22 June 2022 until 13 July 2022 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

https://www.highland.gov.uk/hlb_hearings

5.0 Legislation

- 5.1 The Licensing Board must in considering and determining the application, consider whether any grounds of refusal apply and if none of them applies, the Board must grant the application.

Relevant grounds of refusal may be: -

- 1. the grant of the application will be inconsistent with one or more of the licensing objectives;
- 2. having regard to (i) the nature of the activities carried on or proposed to be carried on in the subject premises, (ii) the location, character and condition

of the premises, and (iii) the persons likely to frequent the premises, the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;

3. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.

5.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.3 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) The property known as Praban Na Linne Ltd is located in a rural location in Eilean Larmain, Isle of Skye.
- (ii) The premises have operated for a number of years with no adverse comment and are undergoing renovation and extension. This application is to change the position of the licensed area of the premises, the range of activities within the premises and increase the capacity for both on and off sales. The specifics of what is applied for are detailed elsewhere in this report.
- (iii) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises,
- (iv) The Children's and Young Persons policy is appropriate.
- (v) The layout plan submitted complies with the required specifications.
- (vi) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (vii) During the period of public consultation, no objections were received.

(viii) I have no objections to application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

There are no existing local conditions and it is not considered necessary to attach any.

8.3 Special conditions

The existing special condition will continue to apply and no additional special conditions are considered necessary

Recommendation

The Board is invited to determine the above application.

If the Board is minded to refuse the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/RSL/0821
Date: 15 July 2022
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